IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

MONDAY, THE 25TH JUNE 2007 / 4TH ASHADHA 1929

WA.No. 1266 of 2007()

AGAINST THE JUDGEMENT IN WPC.18565/2005
.....

APPELLANT: REVIEW PETITIONER/5TH RESPONDENT IN W.P.(C)

K.A.SHAMEEM FATHIMA,
HIGH SCHOOL ASSISTANT (ENGLISH),
CALICUT GIRLS HIGH SCHOOL, CALICUT-3.

BY ADV. SRI.K.M.JAMALUDHEEN
SMT.LATHA PRABHAKARAN
SRI.K.H.SANOJ

RESPONDENTS: RESPONDENTS/PETITIONER & RESPONDENTS 1-4
---

1. NAZEEMA P.M., AGED 36 YEARS,
W/O ABDUL HAMEED, HIGHER SECONDARY SCHOOL TEACHER,
(ENGLISH), CALICUT GIRLS SCHOOL, CALICUT-3.

2. THE STATE OF KERALA, REPRESENTED BY
SECRETARY, GENERAL EDUCATION (T) DEPARTMENT,
THIRUVANANTHAPURAM.

3. THE DIRECTOR OF HIGHER SECONDARY
EDUCATION, HOUSING BOARD BUILDING,
SHANTHI NAGAR, THIRUVANANTHAPURAM.

4. THE MANAGER, CALICUT GIRLS SCHOOL,
CALICUT-3.

5. M.ABDU, HIGHER SECONDARY SCHOOL TEACHER,
(ENGLISH), CALICUT GIRLS SCHOOL, CALICUT-3.

BY ADV. SRI.P.K.IBRAHIM
SRI.THOMAS JOHN AMBOOKEN
SRI.RAJU K.MATHEWS
SRI.SIVAN MADATHIL
SRI.P.J.MATHEW
GOVT. PLEADER SRI. K.SANDESH RAJA FOR R2 & R3

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 25/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S.Radhakrishnan
&
Antony Dominic, JJ.
==========
W.A.No.1266 of 2007
==========

Dated this the 25th day of June, 2007.

JUDGMENT

Radhakrishnan,J.

We find no error in the findings rendered by the learned single Judge. Ext.P9 was under challenge in the Writ Petition, but not challenged by the fifth respondent. Claim of the fifth respondent was with regard to the vacancy which arose in the year 2000. The fourth respondent was appointed in that vacancy. Further, the fifth respondent was not qualified for appointment to the vacancy which arose in the year 2001. The fifth respondent had not acquired SET on the date of occurrence of vacancy. Exemption from SET examination ended on 14.11.2000, therefore it is not open to the Government to appoint somebody who is not qualified. Learned single Judge therefore rightly rejected the objection of the fifth respondent and held that

approval the appointment of the petitioner would be considered in accordance with law.

Writ Appeal is dismissed.

K.S.Radhakrishnan,
Judge.

Antony Dominic,
Judge.

ess 25/6